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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,179	01/11/2002	Wei Lin	03493.00298	5966
26652	7590	10/28/2005	EXAMINER	
AT&T CORP. P.O. BOX 4110 MIDDLETOWN, NJ 07748			WANG, LIANG-CHE	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/042,179		LIN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Liang-che Alex Wang		2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 41-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-40 are presented for examination.
2. Claims 41-47 are withdraw from consideration with traverse.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 5, 15, 25, and 35 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for transmitting the blocking signal, does not reasonably provide enablement for transmitting the blocking signal during at least one reply message. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.
5. Referring to claims 5, 15, 25 and 35, applicant recites the blocking signal is transmitted during at least one reply message. However, claims 1, 11, 21, and 31 disclosed the blocking signal is transmitted to a non-enhanced STA, and claims 4, 14, 24, and 34 recites the reply message is transmitted to the MC STA. And MC STA is defined as a enhanced station in claims 1, 11, 21, and 31. Therefore it is not enabling for the blocking signal to be transmitted during at least one reply message because the blocking signal is transmitted to a non-enhanced STA not an enhanced MC STA.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, US Patent Number 6,922,407, hereinafter Wu.
8. Referring to claim 1, Wu teaches a method for providing access to a communication medium, the communication medium being suitable for allowing use of a plurality of Home Phone Line Network Association (HPNA) v2 frames (see title, figure 12, and Col 1 lines 19-36, Col 3 lines 6-15, Wu discloses transceivers in HPNA 2.0), the method comprising steps of:
- a. transmitting a plurality of messages between a first enhanced station (STA) (Figure 12, element 1202, any node that is transmitting frames to another node), and a second enhanced STA (element 1202, any node that is receiving frames) (Col 2 lines 53-57, figure 12, stations in HPN are designed for transceiving frames from other nodes in HPN), each enhanced STA being one of a Media Control Station (MC STA) and a non-MC STA (Wu does not specify his devices 1202 are MC STA or non-MC STA, but Wu's devices is definitely one of MC STA and non-MC STA), each transmitted message being transmitted in an enhanced frame, each enhanced frame having timing (latency) to allow an Inter-Frame Gap (IFG) (Col 6 lines 58-62); and

- b. transmitting blocking signal during at least one IFG between enhanced frames to mask the presence of the IFG to a STA (Col 1 lines 48-52, figure 3A, spectral mask is viewed as a blocking signal ).

Wu does not explicitly define his enhanced STA (HPNA compliant devices 1202) are either MC STA, or non-MC STA, or non-enhanced STA. However Wu's system is capable of having any compliant devices to be connected to his system, and having any combination of station to transmitting and receiving frames.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have a variety of different devices (MC STA, non-MC STA, and non-enhanced STA) to be connected to Wu's system because these devices are all compliant to Wu's system.

A person with ordinary skill in the art would have been motivated to make the modification to Wu because MC STA, non-MC STA and non-enhanced STA are all complaint devices which would provide different functions to make distinctions among devices.

9. Referring to claim 2, Wu as modified teaches the method according to claim 1, wherein the first enhanced STA is the MC-STA and the second enhanced STA is a non-MC STA (figure 12, and it is obvious for Wu to have any combination of different devices to be connected to his home phoneline network as long as all devices are compliant to Wu's system. Col 2 lines 53-57.)
10. Referring to claim 3, Wu t as modified eaches the method according to claim 1, wherein the first and second enhanced STA are each a non-MC STA (figure 12, and it is obvious

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for Wu to have any combination of different devices to be connected to his home  
phoneline network as long as all devices are compliant to Wu's system. Col 2 lines 53-  
57.)

11. Referring to claim 4, Wu teaches the method according to claim 1, wherein the step of  
transmitting plurality of messages between the first enhanced STA and the second  
enhanced STA includes steps of:

- a. transmitting a first message from a first enhanced STA to a second enhanced STA  
(figure 1 Col 3 line 16- Col 5 line 39, transmitter transmits frame from one node  
to the receiver of another node) ; and
- b. transmitting at least one reply message from the second enhanced STA to the first  
enhanced STA (Col 6 lines 58-62, 63-Col 7 line 23.)

Wu does not explicitly define his enhanced STA (HPNA compliant devices 1202)  
are either MC STA, or non-MC STA, or non-enhanced STA. However Wu's system is  
capable of having any compliant devices to be connected to his system, and having any  
combination of station to transmitting and receiving frames.

It would have been obvious to a person with ordinary skill in the art at the time  
the invention was made to have a variety of different devices (MC STA, non-MC STA,  
and non-enhanced STA) to be connected to Wu's system because these devices are all  
compliant to Wu's system.

A person with ordinary skill in the art would have been motivated to make the  
modification to Wu because MC STA, non-MC STA and non-enhanced STA are all

complaint devices which would provide different functions to make distinctions among devices.

12. Referring to claim 5, Wu as modified teaches the method according to claim 4, wherein the step of transmitting the blocking signal further transmits the blocking signal during at least one reply message (see rejection to the first paragraph of 35 U.S.C. 112 section.)
13. Referring to claim 6, Wu as modified teaches the method according to claim 1, wherein the blocking signal is transmitted by the MC STA (figure 12, Col 2 lines 53-58, Wu's system is capable of having any compliant devices to be connected to his system, and having any combination of station to transmitting and receiving frames.)
14. Referring to claim 7, Wu as modified teaches the method according to claim 1, wherein the blocking signal is transmitted by a non-MC STA (figure 12, Col 2 lines 53-58, Wu's system is capable of having any compliant devices to be connected to his system, and having any combination of station to transmitting and receiving frames.)
15. Referring to claim 8, Wu teaches a method according to claim 1, wherein the step of transmitting the blocking signal includes a step of transmitting the blocking signal during at least one message (Col 6 lines 58-62.)
16. Referring to claim 9, Wu as modified
  - a. transmitting a first message from a first enhanced STA to a second enhanced STA (figure 1 Col 3 line 16- Col 5 line 39, transmitter transmits frame from one node to the receiver of another node) ; and

- b. transmitting at least one second message from the second enhanced STA to a third enhanced STA (Col 6 lines 58-62, 63-Col 7 line 23. Any device in Wu's system is capable of transmitting messages to other devices)

Wu does not explicitly define his enhanced STA (HPNA compliant devices 1202) are either MC STA, or non-MC STA, or non-enhanced STA. However Wu's system is capable of having any compliant devices to be connected to his system, and having any combination of station to transmitting and receiving frames.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have a variety of different devices (MC STA, non-MC STA, and non-enhanced STA) to be connected to Wu's system because these devices are all compliant to Wu's system.

A person with ordinary skill in the art would have been motivated to make the modification to Wu because MC STA, non-MC STA and non-enhanced STA are all complaint devices which would provide different functions to make distinctions among devices.

- 17. Referring to claim 10, Wu teaches the method according to claim 1, wherein the blocking signal is one of a sine wave signal and a cosine wave signal (figure 3A, spectral mask wave 310).
- 18. Referring to claims 11-40, claims 11-40 encompass the same scope of the invention as that of the claims 1-10. Therefore, claims 11-40 are rejected for the same reason as the claims 1-10.




*Conclusion*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Liang-che Alex Wang   
October 24, 2005

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER